

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**ADMIRAL INDEMNITY  
COMPANY,**

**Plaintiff,**

**V.**

**THE LANDMARK  
CONDOMINIUM  
ASSOCIATION, INC.,**

**Defendant.**

**CIVIL ACTION FILE**

**NO. 1:25-cv-00414-SEG**

## **DEFENDANT’S INITIAL DISCLOSURES**

- (1) If the defendant is improperly identified, state defendant's correct identification and state whether defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.

**Response:** N/A

- (2) Provide the names of any parties who defendant contends are necessary parties to this action, but who have not been named by plaintiff. If defendant contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.

**Response:** N/A

- (3) Provide a detailed factual basis for the defense or defenses and any counterclaims or crossclaims asserted by defendant in the responsive pleading:

**Response:**

Defendant is a condominium association, and on or about June 20, 2023, Plaintiff issued an insurance policy, Policy No. CPP21-21947510-30, to Defendant to cover the condominium building located at 215 Piedmont Avenue, Atlanta, Georgia 30308 (the “Property”), as well as to provide general liability insurance for Defendant (the “Policy”). On or about January 17, 2024, a fire occurred at the Property, causing significant damage thereto (the “Claim”). After initially acknowledging coverage of the Claim, and thereafter adjusting the Claim and making undisputed payments, Plaintiff issued a reservation of rights letter on May 9, 2024, in which it alleged there were conflicts between information contained in the application for insurance and the conditions found at the Property. After conducting an investigation for approximately nine (9) months, Plaintiff initiated this action in which it is attempting to rescind the Policy based on alleged misrepresentations and incorrect information in the Policy’s application. Defendant has filed counterclaims for breach of contract and bad faith pursuant to O.C.G.A. § 33-4-6, as Defendant contends the Claim is covered loss under the Policy, that

Plaintiff does not have the right to declare the Policy void ab initio or otherwise rescind the Policy, and Plaintiff's refusal to pay the Claim constitutes bad faith pursuant to O.C.G.A. § 33-4-6.

- (4) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which Defendant contends are applicable to this action.**

**Response:**

Defendant contends that Plaintiff is in breach of contract based on its failure to properly compensate Defendant for the damages sustained as a result of the Claim, and should be subject to bad faith damages pursuant to O.C.G.A. § 33-4-6.

- (5) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A).**

**Response:** See Attachment "A".

- (6) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a**

**separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Initial Disclosures as Attachment B.)**

**Response:** See Attachment “B”.

**(7) Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)**

**Response:** Please See Attachment “C”.

**(8) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)**

**Response:** Defendant claims it has suffered damages for which Plaintiff has failed to provide compensation. In particular, Defendant claims damages in excess of \$15,000,000.00.

(9) If defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendant in this matter, state the full name, address, and telephone number of such person or entity and describe in detail the basis of such liability.

**Response:** N/A

(10) **Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)**

**Response:** A copy of the Policy is included as Exhibit “1.”

Respectfully submitted this 23<sup>rd</sup> day of March 2025.

**WEINSTEIN & BLACK, LLC**  
s/Michael B. Weinstein  
Michael B. Weinstein  
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*Attorneys for Defendant*

**ATTACHMENT A**

The following individuals are likely to have discoverable information that Defendant may use to support its claims:

- 1) Yali Lu – Ms. Lu is a member of Defendant’s Board of Directors and may be contacted through Defendant’s counsel;
- 2) Kenneth Kraften – Mr. Kraften is a member of Defendant’s Board of Directors and may be contacted through Defendant’s counsel;
- 3) Alexandra Betancur – Ms. Betancur is Defendant’s Property Manager and may be contacted through Plaintiff’s counsel;
- 4) Brandon Lewis – Strategic Claim Consultants; Mr. Lewis is a licensed public adjuster who may have knowledge regarding the Claim;
- 5) Phil Grandchamp – Strategic Claim Consultants; Mr. Grandchamp is a licensed public adjuster who may have knowledge regarding the Claim;
- 6) Mark McLaughlin – Strategic Claim Consultants; Mr. McLaughlin is a Building Consultant who may have knowledge regarding the Claim;

- 7) Mr. Mark Kilgore – Forensic Building Science, Inc.; Mr. Kilgore is a Professional Engineer who may knowledge of the condition of the Property post-loss;
- 8) Mr. Jim Irmiter – Forensic Building Science, Inc.; Mr. Irmiter is a Building Damage Causation Consultant who may have knowledge of the condition of the Property post-loss;
- 9) Epic, LLC – Epic, LLC is a general contracting firm who may have knowledge regarding the condition of the Property post-loss and repairs made to the Property;
- 10) Mr. Kamahne Jeffrey – Relation Insurance; Mr. Jeffrey is an insurance agent who assisted Plaintiff procure the Policy;
- 11) Ms. Kim Langley – Relation Insurance; Ms. Langley is employed by Relation Insurance and assisted Plaintiff procure the Policy;
- 12) Thurston Davis – RT Specialty; Mr. Davis is an insurance broker with RT Specialty and assisted in the placement of the Policy;
- 13) Patrick Washington – Sedgwick; Mr. Washington is an independent adjuster who may have knowledge regarding the Claim;
- 14) Steve Lehman – Young & Associates; Mr. Lehman is a Building Consultant who may have knowledge regarding the Claim;

15) Robert Murnur – Berkley Luxury Group; Mr. Murner may have information regarding Plaintiff’s coverage position;

16) Alexander Smith – EFI Global; Mr. Smith may have knowledge regarding the condition of the Property post-loss; and

17) All witnesses disclosed by Plaintiff in its Initial Disclosures.

Defendant reserves the right to supplement this response as necessary.



**ATTACHMENT B**

Defendant has not identified any expert witnesses for use at trial. Defendant will make such disclosures as the Federal Rules of Civil Procedure and the Court require, at the appropriate time, and thus reserve the right to supplement this response.

**ATTACHMENT C**

The following documents may be used by Defendant to support its claims:

- 1) A certified copy of the Policy;
- 2) Any and all estimates of damage to the property;
- 3) All correspondence between Plaintiffs, Plaintiffs' representatives, Defendant, and Defendant's representatives related to this matter and that were exchanged prior to the date of filing Plaintiffs' Complaint;
- 4) Plaintiff's underwriting file;
- 5) Plaintiff's claim file;
- 6) All documents in the possession of Plaintiff and third parties related to this matter; and
- 7) All documents identified by Plaintiff in its Initial Disclosures or in discovery.

Defendant reserves the right to supplement this response as necessary.

**ATTACHMENT D**

Defendant will produce responsive documents evidencing the amount of damages sustained in accordance with F.R.C.P. 34.

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**CIVIL ACTION FILE**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **DEFENDANT’S INITIAL DISCLOSURES** by electronically filing the same with the Court via the CM/ECF system, which shall send notice to counsel of record as follows:

Ms. Jessica M. Phillips  
Ms. Taylor C. Gore  
Swift Currie McGhee & Hiers, LLP  
1420 Peachtree Street, N.E.  
Suite 800  
Atlanta, GA 30309

This 23<sup>rd</sup> day of March 2025.

/s/Michael B. Weinstein  
Michael B. Weinstein